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Received - 2022-01-04 03:20:18 PM
Control Number - 51841
ItemNumber - 34

PROJECT NO. 51841

REVIEW OF 16 TAC § 25.53	§	PUBLIC UTILITY COMMISSION
RELATING TO ELECTRIC SERVICE	§	
EMERGENCY OPERATIONS PLANS	§	OF TEXAS

**EAST TEXAS ELECTRIC COOPERATIVE, INC.’S
COMMENTS ON PROPOSAL FOR PUBLICATION**

East Texas Electric Cooperatives, Inc. (“ETEC”)¹ appreciates the opportunity to share these comments concerning the Proposal for Publication filed by Commission Staff on December 1, 2021.²

I. Introduction

ETEC is committed to the safe and reliable operation of its electric system and it recognizes that Emergency Operations Plans (“EOPs”) are essential tools for meeting that commitment. In order to be most effective, EOPs must have a limited scope—namely, to help the entity’s personnel respond quickly and effectively to an emergency event. ETEC’s comments are intended to help ensure the EOPs fulfill that purpose in an efficient manner.

ETEC recognizes that PURA grants the Commission certain authority over electric cooperatives.³ Most relevant to EOPs is the Commission’s authority “to require reports of electric cooperative operations only to the extent necessary to: (A) ensure the public safety”⁴ Except as specifically provided in PURA, however, jurisdiction over the electric cooperative’s operations resides with its board of directors. In fact, PURA specifically provides that:

¹ ETEC is a non-profit electric generation and transmission (“G&T”) cooperative that provides G&T services to its member cooperatives, which ultimately serve approximately 340,000 member-customers in 46 counties in Texas.

² Proposal for Publication of Repeal of 16 TAC §25.53 and Replacement with Proposed New 16 TAC §25.53, as Approved at the November 30, 2021 Open Meeting (Dec. 1, 2021). This filing set January 4, 2022 as the deadline for stakeholder comments; therefore, these comments are timely filed.

³ PURA § 41.004 provides, in part: “Except as specifically provided otherwise in this chapter, the commission has jurisdiction over electric cooperatives only as follows: [list of six items, including wholesale transmission rates and service, certification to the extent provided in Chapter 37, and certain reports including reports to the extent necessary to ensure public safety].”

⁴ *Id.*

A [cooperative's] board of directors has exclusive jurisdiction to:

[. . .]

(6) manage and operate the electric cooperative's utility systems, including exercise of control over resource acquisition and any related expansion programs;

(7) establish and enforce service quality standards, reliability standards, and consumer safeguards designed to protect retail electric customers;

[. . .]

(12) make any other decisions affecting the electric cooperative's method of conducting business that are not inconsistent with the provisions of this chapter.⁵

ETEC is mindful of this delegation of authority and recommends that the proposed new rule be clarified where necessary to make sure no unintended jurisdictional expansion is created or implied.

II. Comments on Proposal for Publication

In addition to clarifying the proposed new rule's scope related to electric cooperatives' jurisdiction as described above, ETEC provides specific recommendations to certain provisions of the proposed new rule as set out below. These recommendations are incorporated in a redlined copy of this proposed new rule, attached as **Exhibit A**.

a. Initial Filing Requirements (§25.53(c)(1))

The proposed rule requires an entity to file an EOP by April 1, 2022.⁶ This filing date may allow insufficient time for entities to file a complete EOP as described in the proposed new rule. For example, even if an entity already has an up-to-date EOP, it must be supplemented with certain additional annexes⁷ that will require time to develop and achieve appropriate executive approval. For electric cooperatives and utilities owning generation, there are nine separate annexes to be addressed. These annexes are not trivial. Therefore, the proposed new rule should provide entities with additional time to develop the EOPs, which are expected to require supplemental information.

⁵ PURA § 41.055.

⁶ Proposed new rule 16 TAC §25.53(c)(1).

⁷ Proposed new rule 16 TAC §25.53(e).

ETEC recommends the initial filing be at least 120 days from the effective date of the new rule. This time is necessary for stakeholders across the utility industry to develop strategies for each of the annexes, refine the strategies with management, and seek approval from the appropriate executives at the utility in addition to the time required to prepare the documents (including identifying appropriate redactions) for filing.

b. Frequency of Filing (§25.53(c)(1))

The proposed new rule requires the EOP to be filed annually.⁸ However, EOPs are generally not materially modified frequently. This is the case, in part, because the personnel using the EOP are trained for the requirements of the plan. Frequently changing the EOP makes it more difficult for those personnel to properly execute the EOP, especially during an emergency situation when execution is most critical. ETEC suggests that entities file a new EOP only when there are substantial changes to the plan. Filing a plan with no changes adds unnecessary work for the entity and Commission Staff. The annual affidavit may still be filed to attest to proper and continued training. ETEC recommends all entities be provided an option to attest that the EOP previously filed with the Commission is unchanged. This reduces filing requirements for the entities and reduces the administrative burden on Commission Staff.

c. After Action Report (§25.53(c)(1))

The EOP is required to include an after-action summary report for each incident in the prior calendar year that required the entity to activate its EOP.⁹ The required filing date beginning in 2023 is February 15.¹⁰ As proposed, the new rule would require that an event starting on December 31, for example, be included in the February 15 filing. This is not sufficient time to fully assess a major event. In ETEC's opinion, a complete after-action report will generally require 90 days or more to produce, depending on the specific facts of the event. Thus, ETEC recommends changing the reporting period so the after-action report addresses events that occurred during the twelve

⁸ Proposed new rule 16 TAC §25.53(c)(1).

⁹ Proposed new rule 16 TAC §25.53(c)(1)(C).

¹⁰ Proposed new rule 16 TAC §25.53(c)(1).

months prior to October of the prior year. For example, the report due on February 15, 2024 would cover events that occurred between October 1, 2022 and September 30, 2023. Alternatively, the February 15 filing deadline could be moved forward to April 1 for reporting on events that occurred during the prior calendar year.

ETEC also suggests eliminating the last sentence of the reporting requirements section which would require an entity to file an after-action report if directed by the commission staff.¹¹ This requirement appears to be redundant of the requirement to file after-action reports for all events.

d. The EOP Should Be A Standalone Document (§25.53(c)(1)(C), (d), and (e))

The EOP should focus on only its key purpose: assignment of authority during an emergency and clear organizational relationships. The EOP facilitates response and short-term recovery. In fact, FEMA's Comprehensive Preparedness Guide 101, *Developing and Maintaining Emergency Operations Plans*, states that "Put simply, plans describe the 'what' and procedures describe the 'how.' Planners should prepare procedural documents to keep the plan free of unnecessary detail."¹² Because the EOP will be used during an emergency event, requiring the inclusion of after-action reports, mitigation plans, and affidavits may clutter and ultimately reduce the effectiveness of the EOP. ETEC appreciates the need for this information but recommends this information be kept separate from the EOP.

As mentioned, the proposed new rule requires the EOP to include a summary after-action report.¹³ These reports may help planners modify the EOP following an emergency, but these reports serve no purpose during an emergency to guide personnel and therefore should be excluded

¹¹ Proposed new rule 16 TAC §25.53(g) (The referenced last sentence states: "After an emergency, commission staff may require an affected entity to provide an after action or lessons learned report and file it with the commission by a date specified by commission staff.").

¹² FEMA's Comprehensive Preparedness Guide 101, *Developing and Maintaining Emergency Operations Plans*, November 2010, pages 3-10, available at: https://www.fema.gov/sites/default/files/2020-05/CPG_101_V2_30NOV2010_FINAL_508.pdf.

¹³ Proposed new rule 16 TAC §25.53(c)(1)(C).

from the EOP. Nevertheless, given the after-action reports value for planners, ETEC recommends that separate filings be made of the after-action reports—distinct from the EOP filings.

ETEC believes mitigation plans should also not reside in the EOP. According to FEMA, hazard-annexes should describe the policies, situation and responsibilities for particular hazards or threats. The hazard-annex explains the procedures that are unique to that annex for a hazard type.¹⁴ FEMA’s approach is have separate Mitigation Plans which can be used as reference documents to simplify the development of most hazards-based analyses.¹⁵ The proposed new rule states: “an entity’s EOP must address both common operational functions that can be used for everyday type of emergency and annexes that outline the entity’s response to the types of emergencies specified.”¹⁶ The purpose is not mitigation but rather a plan to respond. Thus, any mitigation plans should be separate from the EOP.

Finally, the affidavit required for the EOP is not required for the EOP itself but rather is required by the Commission for verification or compliance purposes. As such, documents that do not provide guidance or assistance during an emergency incident should be excluded from the EOP. ETEC is not opposed to filing an affidavit, but this requirement should be clarified so the affidavit is not required to be incorporated into the EOP itself.

e. Conducting Drills (§25.53(d)(4)(C) and (f))

The wording for the annual affidavit requires entities to attest that the “required drills have been conducted.”¹⁷ However, this is contrary to the requirement in section (f) which states: “An entity must conduct or participate in one or more drills annually to test its EOP if its EOP has not been implemented in response to an incident within the last 12 months.”¹⁸ The proposed language

¹⁴ FEMA’s Comprehensive Preparedness Guide 101, *Developing and Maintaining Emergency Operations Plans*, November 2010, pages 3-5, available at: https://www.fema.gov/sites/default/files/2020-05/CPG_101_V2_30NOV2010_FINAL_508.pdf.

¹⁵ *Id.* at pages 4-9.

¹⁶ Proposed new rule 16 TAC §25.53(d).

¹⁷ Proposed new rule 16 TAC §25.53(d)(4)(C).

¹⁸ Proposed new rule 16 TAC §25.53(f).

for the affidavit could be confused to imply more than one drill is required. Further, in some years, no drills are required if the EOP was implemented for an incident within the last 12 months, consistent with section (f). Thus, ETEC recommends that these requirements be clarified.¹⁹

f. Defining the Reliability Coordinator (§25.53(d)(5)(A))

A communication plan contained in the proposed new rule includes the following requirement:

(A) An entity with transmission or distribution service operations must describe the procedures for handling complaints and for communicating with the public; the media; customers; the commission; local and state governmental entities, officials, and emergency operations centers; the applicable Reliability Coordinator; and critical load customers directly served during an emergency.²⁰

The Reliability Coordinator is not defined and therefore it is not clear to whom communication should be provided. ETEC recommends the definitions be modified to identify the Reliability Coordinator.

g. Communication Plan (§25.53(d)(5)(B))

The proposed new rule requires any entity with generation operations to describe the procedures for communicating with the public; the media; the commission; fuel suppliers; local and state governmental entities, officials, and emergency operations centers; and the applicable reliability coordinator.²¹ Generation facilities are not open to the public and do not typically communicate directly with the public. Generation facilities in Texas are dispatched by ERCOT, MISO, or SPP and, as such, have procedures in place to keep those entities as well as the transmission service provider to which they are connected updated. Being required to keep the public, the media, local and state government entities, and officials (which could be broadly interpreted) updated during an emergency event is overly burdensome. ETEC respectfully

¹⁹ Consistent with the attached redline, ETEC proposes replacing “required drills have been conducted” with “the entity is in compliance with Section §25.53(f) in regard to annual drill(s)” in the proposed new rule 16 TAC §25.53(d)(4)(C).

²⁰ Proposed new rule 16 TAC §25.53(d)(5)(A) (emphasis added).

²¹ Proposed new rule 16 TAC §25.53(d)(5)(B).

recommends the proposed new rule clarify and limit the outlets with whom entities with generation operations must communicate.

h. Mitigation Plans and Weather Emergency Preparedness (§25.53(e)(1))

The proposed new rule uses the language of “operational plans intended to mitigate the hazards” in the annexes for cold weather emergency,²² hot weather emergency,²³ and wildfire.²⁴ ETEC understands a mitigation plan is for modifying the relevant system(s) (i.e., generation, transmission, and distribution) prior to an event. If the Commission wishes to learn about mitigation measures, this information could be provided in a separate, stand-alone report. Mitigation occurs *before* an event occurs, while in practice the EOP is used after the start of an event. For example, in hot weather, a mitigation program would be to verify that the fans are working properly on power transformers so the transformers are properly cooled and can be operated at rated capacity. This program is mitigation and is not an activity to be conducted during an event.

As an example, the Weather Emergency Preparedness for a transmission service provider is intended to ensure the sustained operation of all cold weather critical components during winter weather conditions.²⁵ The activities that a transmission service provider must confirm include standard O&M activities (e.g., oil levels, annual maintenance of breaker heaters, and operating limits of critical components). These activities are, in ETEC’s opinion, mitigation measures that need to be in place prior to an emergency that would affect a transmission service provider.

As stated earlier, the mitigation plans should not reside in the EOP. The EOP should be solely focused on the emergency task of restoration of power and should not be cluttered with mitigation plans that by definition occur before an emergency.

16 TAC §25.55 addresses preparedness for generators and transmission service providers, but does not address distribution service providers. Many electric cooperatives are only

²² Proposed new rule 16 TAC §25.53(e)(1)(A).

²³ Proposed new rule 16 TAC §25.53(e)(1)(B).

²⁴ Proposed new rule 16 TAC §25.53(e)(1)(E).

²⁵ 16 TAC §25.55 (f)(1)(A).

distribution service providers, or have few transmission-voltage facilities. For this reason, as well, ETEC recommends that any mitigation plans be considered outside the sphere of the EOP rules. Each entity needs to determine the extent of the risk and cost implication for possible mitigation techniques (as well as resultant rate impacts) which, in ETEC's opinion, occur prior to the scope of an emergency response plan. Therefore, ETEC recommends modifying the language for the proposed new rule sections (e)(1)(A)(i) and (e)(1)(B)(i) as follows:²⁶

operational plans intended to restore power caused by ~~mitigate the hazards of~~ a [cold/hot] weather emergency, ~~separate and distinct from the weather preparation standards required under §25.55.~~

Similarly, for the annex addressing wildfire in the proposed new rule section (e)(1)(E), ETEC recommends the following language:

A wildfire annex that addresses ~~both response to a wildfire emergency and plans intended to mitigate the hazards of wildfire to the entity's facilities;~~

In the alternative, because 16 TAC §25.55 does not apply to many electric cooperatives because they are not transmission service providers, one might interpret the proposed new rule to require the distribution service providers to address all of the items contained in 16 TAC §25.55 for transmission service providers. While the requirements of 16 TAC §25.55 are beneficial for transmission service providers, ETEC does not believe these requirements translate well to distribution systems. ETEC recommends modifying the rule(s) to specifically exclude non-TSPs from meeting the requirements of 16 TAC §25.55. ETEC recommends adding "if applicable" to remove any ambiguity.²⁷

operational plans intended to mitigate the hazards of a cold weather emergency, separate and distinct from the weather preparations standards under §25.55, if applicable to the entity.

²⁶ These proposed edits are also contained in the attached redline.

²⁷ This proposed edit is also contained in the attached redline.

i. Clarification of the Value of Post-Weather Meetings (§25.53(e)(1)(A)(iii) and (e)(1)(B)(iii))

The proposed annexes for cold weather and hot weather include a requirement for pre- and post-weather emergency meetings. However, the proposed new rule section (c)(1)(C) already contains a general requirement for an after-action report. Thus, a post-weather emergency meeting requirement appears to be redundant, as such a meeting would occur as part of preparing the after-action report. To clarify that separate, additional meetings are not required, ETEC proposes deleting “and post-”, so the proposed new rule would read as follows:²⁸

a requirement for pre-~~and post~~-weather emergency meetings to review lessons learned from past [hot/cold] weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.²⁹

j. Critical Load Information (§25.53(e)(1)(C)(iii))

Under the current rule, entities are required to include in the EOP “the location of the registry [of critical customers], and the process for maintaining an accurate registry [of critical customers].”³⁰ Thus the actual list of critical customers is not provided to the Commission. In the Order adopting the rule amendment, the Commission stated: “The commission is primarily concerned with the process for registering and contacting critical load customers. Therefore, the commission will not add a requirement to the rule that utilities must file a list of critical load customers with the commission.”³¹ However, the proposed new rule would require entities to file a registry of critical load customers.³² ETEC agrees that a current list of critical load customers is necessary and needs to be readily available to the entity’s operating personnel. However, filing this data with the Commission can result in unintended disclosure of sensitive and protected information (including medical information) of some of these critical customers. Even if the data is redacted, the list of these customers and individuals in a filing with the Commission appears to

²⁸ This proposed edit is also contained in the attached redline.

²⁹ This edit would be made to both proposed new rule sections (e)(1)(A)(iii) (cold weather) and (e)(1)(B)(iii) (hot weather).

³⁰ Current 16 TAC §25.53(c)(1)(A).

³¹ Project No. 34202, Order at 9 (Dec. 19, 2007).

³² Proposed new rule 16 TAC §25.53(e)(1)(C)(iii).

have little value in the Commission's role in reviewing and commenting on the EOP. Therefore, ETEC recommends eliminating the requirement to file a list of critical load customers. Instead, the EOP should continue to include the location of the registry and the methods used to maintain its accuracy.

k. Physical Security Incident Annex (§25.53(e)(1)(H))

The proposed new rule includes an annex for physical security incidents.³³ Generally, EOPs are designed for larger scale events that require the organizational structure contained in the EOP. It is not clear what type of physical security threat the Commission is envisioning for transmission and distribution systems. Sabotage could be one threat, but this is normally thought of as a singular site that would not require activation of the EOP. Absent further clarification, ETEC recommends eliminating the requirement for an annex for physical security threats for entities that do not own generation assets. For generation assets, however, physical security is vitally important and should be addressed by those entities with generation resources as defined in the proposed new rule section (e)(2)(D).

III. Conclusion

As mentioned, the attached **Exhibit A** contains a redline copy of the proposed new rule with proposed edits consistent with these comments. ETEC thanks the Commission and its Staff for their work and looks forward to its continued participation in this project.

³³ Proposed new rule 16 TAC §25.53(e)(1)(H).

Dated: January 4, 2022

Respectfully Submitted,

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EAST TEXAS ELECTRIC COOPERATIVE, INC.'S EXECUTIVE SUMMARY

1. ETEC respectfully recommends the proposed rule should be clarified where necessary to make sure no unintended jurisdictional expansion is created or implied, including as it relates to PURA §§ 41.004 and 41.055, and Tex. Util. Code §186.007.
2. In order to provide entities with sufficient time to comply with the new requirements, the initial filing date should be at least 120 days from the effective date of the new rule. 16 TAC §25.53(c)(1).
3. Frequent filing creates an undue administrative burden without a corresponding benefit. Thus, ETEC suggests that entities be required to file a new EOP only when there are material changes to the EOP rather than annually. 16 TAC §25.53(c)(1).
4. After-action reports and lessons learned should be required no sooner than 90 days after the event, which is necessary for entities to properly analyze and assemble a report. 16 TAC §25.53(c)(1).
5. The EOP should be a standalone document, with other important but not operationally essential information moved to separate documents. 16 TAC §§25.53(c)(1)(C), (d), and (e).
6. Requirements concerning emergency drills should be harmonized between 16 TAC §25.53(d)(4)(C) and 16 TAC §25.5(f).
7. The communication plans should be clarified (*e.g.*, defining Reliability Coordinator) and tailored for each market segment. 16 TAC §25.53(d)(5).
8. Mitigation plans, while essential to safe and reliable operations, may be better addressed outside the scope of EOPs as they generally serve a different operational function. 16 TAC §25.53(e)(1).
9. Requirements concerning post-event meetings and reports should be harmonized between 16 TAC §25.53(c)(1)(C) and 16 TAC §25.53(e)(1)(A)(iii) and (e)(1)(B)(iii).
10. Filing certain critical load information is not necessary to achieve the goal of emergency preparedness; thus, this requirement may be eliminated. 16 TAC §25.53(e)(1)(C)(iii).
11. A physical security annex is likely not needed for entities that do not own generation. 16 TAC §25.53(e)(1)(H).

§25.53. Electric Service Emergency Operations Plans.

(a) **Application.** This section applies to each electric utility, transmission and distribution utility, power generation company (PGC), municipally owned utility, electric cooperative, and retail electric provider (REP), and to the Electric Reliability Council of Texas (ERCOT). The term "entity" as used in this section refers to the above-listed entities.

(b) **Definitions.**

(1) **Annex** -- a section of an emergency operations plan (EOP) that addresses how an entity plans to respond to the incidence of a specific hazard or threat.

(2) **Drill** -- an operations-based exercise that is a coordinated, supervised activity employed to test an entity's EOP. A drill may be used to develop or test new policies or procedures or to practice and maintain current skills.

(3) **Emergency** -- any incident resulting from an imminent hazard or threat that endangers life or property or presents credible risk to the continuity of electric service. The term includes an emergency declared by local, state, or federal government; ERCOT; or a Reliability Coordinator that is applicable to the entity.

(4) **Emergency operations plan** -- the plan and attached annexes, maintained on a continuous basis by an entity, intended to protect life and property and ensure continuity of adequate electric service in response to an emergency.

(5) **Hazard** -- a natural, technological, or human-caused condition that is potentially dangerous or harmful to life, information, operations, the environment, or property.

(6) **Reliability Coordinator**--

(7) **Threat** -- the intention and capability of an individual or organization to harm life, information, operations, the environment, or property.

(c) **Filing requirements.**

(1) An entity must file an EOP under this section within 120 days from the effective date of this rule. ~~by April 1, 2022. Beginning in 2023,~~ an entity must annually file an EOP no later than February 15 in the manner prescribed by the commission.

(A) An entity must file with the commission its unredacted EOP in its entirety and a public, redacted EOP. In lieu of filing the entire EOP each year, an entity may submit an affidavit attesting to that the EOP currently on file has not been modified in the prior calendar year.

(B) For an entity with operations within the ERCOT power region, the entity must submit its unredacted EOP in its entirety to ERCOT.

(C) Beginning in 2023, the annual filing for this rule ~~EOP must include~~, for each incident for the 12 months prior to October 31 of ~~in~~ the prior calendar year that required the entity to activate its EOP, a summary after-action report that includes lessons learned and an outline of changes the entity made to the EOP as a result.

(2) A person seeking registration as a PGC or certification as a REP must file an EOP with the commission at the time it applies for registration or certification with the commission, and must submit the EOP to ERCOT if it will operate in the ERCOT power region, no later than ten days after the commission approves the person's certification or registration.

(3) Updated filings. An entity must file an updated EOP with the commission within 30 days under the following circumstances.

(A) An entity must file an updated EOP if commission staff determines that the entity's EOP on file does not contain sufficient information to determine whether the entity can provide adequate electric service through an emergency.

(B) An entity must file an updated EOP in response to feedback provided from commission staff.

(C) An entity must file an updated EOP if the entity makes a significant change to its EOP. A significant change to an EOP includes a change that has a material impact on how the entity would respond to an emergency. The entity must file the updated EOP with the commission no later than 30 days after the change takes effect.

(D) An entity with operations within the ERCOT power region must submit its updated EOP under paragraphs (c)(4)(A), (c)(4)(B), and (c)(4)(C) to ERCOT within 30 5 days of filing the updated EOP with the commission.

(4) Notwithstanding the other requirements of this subsection, ERCOT must maintain a current EOP in its entirety, consistent with the requirements of this section and available for review by the commission or the commission's designee.

(d) **Information to be included in the emergency operations plan.** An entity's EOP must address both common operational functions that can be used for every type of emergency and annexes that outline the entity's response to the types of emergencies specified in subsection (e). Each entity's EOP must include the following information; if applicable. If a provision in this section does not apply to an entity, the entity must include in its EOP an explanation of why the provision does not apply. These provisions need not be in a single document labeled EOP, entities may have separate documents as needed for clarity and simplicity.

(1) An approval and implementation section that:

(A) introduces the EOP and outlines its applicability;

(B) lists the individuals responsible for maintaining and implementing the EOP, and those who can change the EOP;

(C) provides a revision control summary which outlines and dates each change made to the EOP since the last time the EOP was adopted by the entity;

(D) provides a dated statement that the current EOP supersedes previous EOPs; and

(E) the date the EOP was most recently approved by the entity.

(2) A record of distribution that contains the following information in table format:

(A) titles and names of persons in the entity 's organization receiving the EOP; and

(B) dates of distribution.

(3) A list of emergency contacts for the entity, including identification of single points of contact during an emergency.

(4) An affidavit from the entity's highest-ranking representative, official, or officer with binding authority over the entity affirming the following:

(A) relevant operating personnel are familiar with and have received training on the contents of the EOP, and such personnel are committed to following the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an emergency;

(B) the EOP has been reviewed and approved by the appropriate executives;

(C) the entity is in compliance with Section 25.53(f) in regards to annual drill(s)~~required drills have been conducted;~~

(D) the EOP or an appropriate summary has been distributed to local jurisdictions as needed;

(E) the entity maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an incident; and

(F) the entity's emergency management personnel who are designated to interact with local, state, and federal emergency management officials during emergency events

1 have received National Incident Management System training, specifically IS
2 700.a, IS-800.b, IS-0.b, and IS-200.b.

3 (5) A communication plan.

4 (A) An entity with transmission or distribution service operations must describe the
5 procedures for handling complaints and for communicating with the public; the
6 media; customers; the commission; local and state governmental entities, officials,
7 and emergency operations centers; the applicable Reliability Coordinator; and
8 critical load customers directly served during an emergency.

9 (B) An entity with generation operations must describe the procedures for
10 communicating with the public; the media; the commission; fuel suppliers; local
11 and state governmental entities, officials, and emergency operations centers; and
12 the applicable reliability coordinator.

13 (C) A REP must describe the procedures for communicating with the public, media,
14 customers, and the commission and the procedures for handling complaints during
15 an emergency.

16 (D) ERCOT must describe the procedures for communicating, in advance of and
17 during an emergency, with the public, the media, the commission, governmental
18 entities and officials, the state emergency operations center, and market
19 participants.

20 (6) A plan to maintain pre-identified supplies for emergency response.

21 (7) A plan that addresses staffing during emergency response.

22 (8) A plan that addresses how an entity identifies weather-related hazards, including tornadoes,
23 hurricanes, extreme cold weather, extreme hot weather, drought, and flooding, and the
24 process the entity follows to activate the EOP.

25 (9) Each relevant annex as detailed in subsection (e) and other annexes applicable to an entity.

(c) Annexes to be included in the emergency operations plan.

(1) An electric cooperative, an electric utility, a municipally owned utility, or a transmission and distribution utility must include in its EOP for its transmission and distribution facilities the following annexes:

(A) A cold weather emergency annex that includes:

- (i) operational plans intended to restore power caused by ~~mitigate the hazards of a cold weather emergency, separate and distinct from the weather preparation standards required under §25.55 (relating to Weather Emergency Preparedness);~~
- (ii) a checklist for transmission facility personnel to use during cold weather emergency response; and
- (iii) a requirement for pre--and post-weather emergency meetings to review lessons learned from past cold weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.

(B) A hot weather emergency annex that includes:

- (i) operational plans intended to restore power caused by ~~mitigate the hazards of a hot weather emergency, separate and distinct from the weather preparation standards required under §25.55;~~
- (ii) a checklist for transmission facility personnel to use during hot weather emergency response; and
- (iii) a requirement for pre--and post-weather emergency meetings to review lessons learned from past hot weather emergency incidents and to ensure

necessary supplies and personnel are available through the weather emergency.

(C) A load shed annex that must include:

- (i) Procedures for controlled shedding of load, whether caused by planned or forced interruption of service;
- (ii) Priorities for restoring shed load to service; and
- (iii) The location of a ~~A~~ registry of critical load customers, directly served, if maintained by an electric utility, an electric cooperative, or a municipally owned utility. The registry must be updated as necessary but, at a minimum, annually. The registry must include the process for maintaining an accurate registry, the process for providing assistance to critical load customers in the event of an unplanned outage, the process for communicating with the critical load customers, and the process for training staff with respect to serving critical load customers.

(D) A pandemic and epidemic annex;

(E) A wildfire annex that addresses both response to a wildfire emergency ~~and plans intended to mitigate the hazards of wildfire to the entity's facilities;~~

(F) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by the Texas Division of Emergency Management (TDEM);

(G) A cyber security annex; and

(H) ~~A physical security incident annex; and~~

(I) Any additional annexes as needed or appropriate to the entity's particular circumstances.

(2) An electric cooperative, an electric utility, or a municipally owned utility that operate a generation resource in Texas; and a PGC must include the following annexes for its generation resources:

(A) A cold weather emergency annex that includes:

- (i) operational plans intended restore power caused by ~~to mitigate the hazards of a cold weather emergency, separate and distinct from the weather preparations standards under §25.55;~~
- (ii) verification of the adequacy and operability of fuel switching equipment, if installed;
- (iii) a checklist for generation resource personnel to use during cold weather emergency response; and
- (iv) a requirement for pre--and post-weather emergency meetings to review lessons learned from past cold weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.

(B) A hot weather emergency annex that includes:

- (i) operational plans intended to restore power caused ~~mitigate the hazards of a hot weather emergency, separate and distinct from the weather preparation standards under §25.55;~~
- (ii) a checklist for generation resource personnel to use during hot weather emergency response; and
- (iii) a requirement for pre--and post-weather emergency meetings to review lessons learned from past hot weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.

(C) A water shortage annex that addresses supply shortages of water used in the generation of electricity;

(D) A restoration of service annex that identifies plans intended to restore to service a generation resource that failed to start or that tripped offline due to a hazard or threat;

(E) A pandemic and epidemic annex;

(F) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by TDEM;

(G) A cyber security annex;

(H) A physical security incident annex; and

(I) Any additional annexes as needed or appropriate to the entity 's particular circumstances.

(3) A REP must include in its EOP the following annexes:

(A) A pandemic and epidemic annex;

(B) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by TDEM;

(C) A cyber security annex;

(D) A physical security incident annex; and

(E) Any additional annexes as needed or appropriate to the entity 's particular circumstances.

(4) ERCOT must include the following annexes:

(A) A pandemic and epidemic annex;

(B) A weather emergency annex that addresses ERCOT's plans to ensure continuous market and grid management operations during weather emergencies, such as hurricanes, tornadoes, extreme cold weather, extreme hot weather, and flooding;

(C) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by TDEM;

(D) A cyber security annex;

(E) A physical security incident annex; and

(F) Any additional annexes as needed or appropriate to ERCOT's particular circumstances.

(f) Mitigation Plans. An entity must file a mitigation plan that address cold-weather emergency, hot-weather emergency, and a wildfire emergency. For these entities that file Weather Preparedness Plans as required by §25.55, the mitigation plans shall be separate and distinct from the Weather Preparedness Plans.

~~(g)~~(g) Drills. An entity must conduct or participate in one or more drills annually to test its EOP if its EOP has not been implemented in response to an incident within the last 12 months. If the entity operates in a hurricane evacuation zone as defined by TDEM, at least one of the annual drills must include a test of its hurricane annex. Following the annual drills, the entity must assess the effectiveness of the drills and change its EOP as needed. An entity must notify commission staff, using the method and form prescribed by commission staff, as described on the commission's website, and the appropriate TDEM District Coordinators, by email or other written form, of the date, time, and location at least 30 days prior to the date of at least one drill each year.

~~(g)~~(h) Reporting requirements. Upon request by commission staff during an activation of the State Operations Center by TDEM, an entity must provide updates on the status of operations, outages, and restoration efforts. Updates must continue until all incident-related outages are restored or unless otherwise notified by commission staff. ~~After an emergency, commission staff may require~~

~~an affected entity to provide an after action or lessons learned report and file it with the commission
by a date specified by commission staff.~~

This agency hereby certifies that the proposal has been reviewed by legal counsel and
found to be within the agency's legal authority to adopt.